

REMARKS

Copy of Previously Submitted PTO Form 1449

In a communication mailed October 20, 2000, Applicants submitted an Information Disclosure Statement and PTO FORM-1449. Per the Examiner's request, a copy of the Information Disclosure Statement and PTO FORM-1449 is enclosed. Applicants' undersigned representative respectfully requests that the Examiner provide an initialed copy of the FORM 1449 indicating the Examiner has considered the references in connection with this application.

Elections/Restrictions

The Examiner has issued a restriction requirement under 35 U.S.C. § 121 requiring election of one of two alleged different species. Applicants' undersigned representative provisionally elects *with traverse* Examiner's group I, corresponding to claims 21-44, 65-83, and 88-89 for prosecution in the present application. This election is in no way an admission of the Office Action's characterizations of the figures and/or claims. Applicant reserves the right to prosecute the non-elected groups/claims, as well as any other species/claims supported by the specification, in one or more subsequent patent applications. Furthermore, Applicants' undersigned representative respectfully requests reconsideration of the restriction in view of the following remarks.

The Office Action alleges

“[t]he subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as for use in identifying financial data other than of instruments.”

Applicants' undersigned representative proposes amending the preamble (and not the claim limitations) of claim 45 to add the word “instrument.” Applicants' undersigned representative requests that the Examiner reconsider the restriction. If the restriction is maintained, Applicants' undersigned representative respectfully requests that the Examiner explain in detail the allegation that “invention I has separate utility such as for use in identifying data other than of instruments.”

Claim 21 is directed to:

A method of identifying financial instruments meeting user-defined investment criteria, comprising the steps of:

- retrieving financial instrument data from at least one data source;
- processing the financial instrument data to identify values for a plurality of searchable parameters for particular financial instruments in said financial instrument data;
- receiving user-defined search criteria for said searchable parameters;
- comparing the user-defined search criteria with the values identified for the searchable parameters for the particular financial instruments;
- identifying at least one of the financial instruments having values for the searchable parameters matching the user-defined search criteria;
- transmitting to the user for display data identifying at least one of the financial instruments having values for the searchable parameters matching the user-defined search criteria;
- receiving modified user-defined search criteria for said searchable parameters;
- comparing the modified user-defined search criteria with the values identified for the searchable parameters for the particular financial instruments;
- identifying at least one of the financial instruments having values for the searchable parameters matching the modified user-defined search criteria; and
- transmitting to the user for display data identifying at least one of the financial instruments having values for the searchable parameters matching the modified user-defined search criteria.

Newly added claim 90 specifies:

The method of claim 21, further comprising

- creating a database of searchable data from the financial instrument data, said database comprising for financial instruments identified in the financial instrument data values for a plurality of searchable parameters, and wherein
- comparing the user-defined search criteria with the values identified for the searchable parameters for the particular financial instruments comprises searching the database of searchable data for financial instruments having values for a plurality of searchable parameters that satisfy the user-defined search criteria;

transmitting to the user for display data identifying at least one of the financial instruments having values for the searchable parameters matching the user-defined search criteria comprises returning a representation of at least one of the plurality of financial instruments having values for the searchable parameters satisfying the user-defined search criteria;

comparing the modified user-defined search criteria with the values identified for the searchable parameters for the particular financial instruments comprises searching the database of searchable data for financial instruments having values for a plurality of searchable parameters that satisfy the modified user-defined search criteria; and

transmitting to the user for display data identifying at least one of the financial instruments having values for the searchable parameters matching the modified user-defined search criteria comprises returning a representation of at least one of the plurality of financial instruments having values for the searchable parameters satisfying the modified user-defined search criteria.

Claim 45 is directed to

A method of providing financial instrument data to a user over a computer communications network, comprising the steps of:

retrieving financial instrument data from at least one data source;

creating a database of searchable data from the financial instrument data, said database comprising for financial instruments identified in the financial instrument data values for a plurality of searchable parameters;

receiving user-defined search criteria via the computer communications network;

searching the database of searchable data for financial instruments having values for a plurality of searchable parameters that satisfy the user-defined search criteria;

returning a representation of at least one of the plurality of financial instruments having values for the searchable parameters satisfying the user-defined search criteria to the user over the computer communications network;

receiving modified user-defined search criteria via the computer communications network;

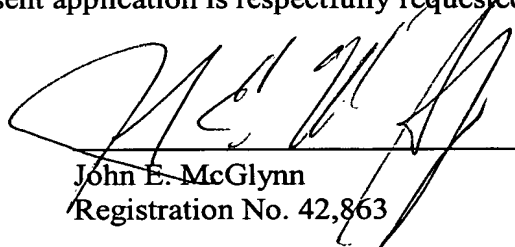
searching the database of searchable data for financial instruments having values for a plurality of searchable

parameters that satisfy the modified user-defined search criteria;

returning a representation of a least one of the plurality of financial instruments having values for the searchable parameters satisfying the modified user-defined search criteria to the user over the computer communications network.

Claim 90 together with claim 21 comprises the basic elements comprised in claim 45. Therefore, examination of claims 21 and 90 will involve searching for the basic elements required for examination of claim 45. Applicant's undersigned representative respectfully submits that due to the overlap in claim elements and the likelihood that similar searches will be required, prosecuting claims designated by the Examiner's group I and Examiner's group II in the same application will not place a serious burden on the Examiner. (See M.P.E.P. § 803 which specifies a proper requirement for restriction requires: a) the inventions must be independent or distinct; and b) there must be a serious burden on the examiner if restriction is required.) Reconsideration of the restriction between Examiner's group I and group II, and prosecution of claims 21 through 90 in the present application is respectfully requested.

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